



January 8, 2010

HOUSE BILL No. 1106

DIGEST OF HB 1106 (Updated January 6, 2010 5:49 pm - DI 102)

Citations Affected: IC 3-10; IC 3-11; IC 3-11.7; IC 3-14.

Synopsis: Provisional ballots; vote centers; satellite offices. Requires that election material related to provisional ballots (excluding the provisional ballots themselves) be made available for copying and inspection under the access to public records law in the same manner as other election material, except in the case of a recount or contest, when material related to provisional ballots remains confidential for six months after the completion of the recount or contest. Provides that information in material related to provisional ballots that identifies an individual, except for the individual's name, address, and birth date, remains confidential. Permits a voter who is qualified to vote in person to vote by absentee ballot. Removes all other qualifications for a voter to vote by absentee ballot except for a voter with disabilities who is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope. (Such a disabled voter is currently required to vote before an absentee voter board.) Requires a precinct election officer, in the case of a voter who casts a provisional ballot, or an absentee voter board, in the case of a voter who casts an absentee ballot that is treated as a provisional ballot, to provide both orally and in writing an explanation of the steps the voter must take in order to have the voter's ballot counted. Requires the election commission to prescribe the form of the explanation. Requires the circuit court clerk of a county that conducts an election in which a voter casts a provisional ballot or an absentee ballot that is treated as a provisional ballot to notify the voter

(Continued next page)

Effective: July 1, 2010; January 1, 2011.

Battles

January 5, 2010, read first time and referred to Committee on Elections and Apportionment.
January 7, 2010, reported — Do Pass.

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not later than three days after election day concerning: (1) the reasons that the voter's ballot is being treated as a provisional ballot; (2) what actions, if any, that the voter must take in order to have the voter's ballot counted; (3) the deadline by which the voter must act to have the voter's ballot counted; and (4) certain contact information that the provisional voter may use to find out about the provisional voter's ballot. Requires that the notice be sent by first class United States mail or given by another method that the circuit court clerk determines will provide actual notice to the voter. Requires that the notice must be in a form prescribed by the election commission. Provides that a person required to give notice to a voter relating to the voter's provisional ballot who knowingly or intentionally fails to do so commits a Class C infraction. Requires the county election board to provide a list of the name and addresses of all voters who cast a provisional ballot at an election to a candidate whose name was on the ballot or the county chairman of a political party in the county not later than 72 hours after the request. Requires the circuit court clerk and the secretary of state to compile and make public certain information about provisional voting. Removes the requirement that a county election board may establish satellite offices only by the unanimous vote of the board's members. Extends the expiration date of the vote center pilot project to December 31, 2013. Requires the county election board of a vote center county to provide preliminary election results, broken down by precinct, not later than noon the day after election day. Requires a vote center pilot county to establish at least one satellite office for absentee voting. Requires that a county's vote center plan must incorporate certain elements.

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January 8, 2010

Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

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HOUSE BILL No. 1106

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-10-1-31.1, AS AMENDED BY P.L.230-2005,
2 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2011]: Sec. 31.1. (a) This section applies only to election
4 materials for elections held after December 31, 2003.
5 (b) The inspector of each precinct shall deliver the bags required by
6 section 30(a) and 30(c) of this chapter in good condition, together with
7 poll lists, tally sheets, and other forms, to the circuit court clerk when
8 making returns.
9 (c) Except for unused ballots disposed of under IC 3-11-3-31 or
10 affidavits received by the county election board under IC 3-14-5-2 for
11 delivery to the foreman of a grand jury, the circuit court clerk shall seal
12 the ballots and other material during the time allowed to file a verified
13 petition or cross-petition for a recount of votes or to contest the
14 election. Except as provided in subsection (d) **and notwithstanding**
15 **any other provision of Indiana law**, after the recount or contest filing

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period, the election material, **including election material related to provisional ballots** (except for ballots and provisional ballots, which remain confidential), shall be made available for copying and inspection under IC 5-14-3. The circuit court clerk shall carefully preserve the sealed ballots and other material for twenty-two (22) months, as required by 42 U.S.C. 1974, after which the sealed ballots and other material are subject to IC 5-15-6 unless an order issued under:

- (1) IC 3-12-6-19 or IC 3-12-11-16; or
- (2) 42 U.S.C. 1973;

requires the continued preservation of the ballots or other material.

(d) If a petition for a recount or contest is filed, the **following apply:**

(1) **The** material for that election remains confidential until completion of the recount or contest.

(2) **Notwithstanding subdivision (1), material related to the provisional ballots cast in that election remains confidential for six (6) months after the completion of the recount or contest.**

(e) Upon delivery of the poll lists, the county voter registration office may unseal the envelopes containing the poll lists. For the purposes of:

- (1) a cancellation of registration conducted under IC 3-7-43 through IC 3-7-46;
- (2) a transfer of registration conducted under IC 3-7-39, IC 3-7-40, or IC 3-7-42;
- (3) a change of name made under IC 3-7-41;
- (4) adding the registration of a voter under IC 3-7-48-8; or
- (5) recording that a voter subject to IC 3-7-33-4.5 submitted the documentation required under 42 U.S.C. 15483 and IC 3-11-8 or IC 3-11-10;

the county voter registration office may inspect the poll lists and update the registration record of the county. The county voter registration office shall use the poll lists to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. Upon completion of the inspection, the poll list shall be preserved with the ballots and other materials in the manner prescribed by subsection (c) for the period prescribed by subsections (c) and (d).

(f) This subsection does not apply to ballots, **including provisional ballots**. Notwithstanding subsection (c), if a county voter registration office determines that the inspection and copying of precinct election material would reveal the political parties, candidates, and public

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questions for which an individual cast an absentee ballot, the county voter registration office shall keep confidential only that part of the election material necessary to protect the secrecy of the voter's ballot. **In addition, the county voter registration office shall keep confidential information contained in material related to provisional ballots that identifies an individual, except for the individual's name, address, and birth date.**

(g) After the expiration of the period described in subsection (c) or (d), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12.

SECTION 2. IC 3-11-3-11, AS AMENDED BY P.L.230-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 11. The county election board shall deliver the following to each inspector or the inspector's representative:

(1) The supplies provided for the inspector's precinct by the election division.

(2) The local sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.

(3) The local ballots printed under the direction of the county election board as follows:

(A) In those precincts where ballot card voting systems are to be used, the number of ballots at least equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.

(B) In those precincts where electronic voting systems are to be used, the number of ballots that will be required to be printed and furnished to the precincts for emergency purposes only.

(C) Provisional ballots in the number considered necessary by the county election board.

(4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.

(5) Copies of the voter's bill of rights for posting as required by 42 U.S.C. 15482.

(6) Copies of the instructions for a provisional voter required by 42 U.S.C. 15482 **and IC 3-11.7-2-2**. The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under subdivision (3).

SECTION 3. IC 3-11-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. (a) A voter who is

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otherwise qualified to vote in person is entitled to vote by absentee ballot: ~~Except~~

(1) by mail;

(2) before an absentee voter board as ~~otherwise~~ provided in this article; a voter voting by absentee ballot must vote

(3) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or

(4) at a satellite office established under IC 3-11-10-26.3.

(b) A county election board, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the board determines that the person has been hospitalized or suffered an injury following the final date and hour for applying for an absentee ballot that would prevent the person from voting in person at the polls.

(c) The commission, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the commission determines that an emergency prevents the person from voting in person at a polling place.

(d) The absentee ballots used in subsection (b) or (c) must be the same official absentee ballots as described in ~~section~~ sections 12 and 13 of this chapter. Taking into consideration the amount of time remaining before the election, the commission shall determine whether the absentee ballots are transmitted to and from the voter by mail or personally delivered. An absentee ballot that is personally delivered shall comply with the requirements in sections 19, 20, and 21 of this chapter.

SECTION 4. IC 3-11-4-2, AS AMENDED BY P.L.103-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the county election board may designate an individual to sign the application on behalf of the voter. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application.

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

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- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.
- (5) The voter identification number of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.
- (2) In a primary election, the major political party ballot requested by the individual.
- (3) In a primary or general election, the types of absentee ballots requested by the individual.
- ~~(4) The reason why the individual is entitled to vote an absentee ballot;~~

~~(A) by mail; or~~

~~(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);~~

~~in accordance with IC 3-11-4-18, IC 3-11-10-24, or IC 3-11-10-25.~~

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

- (1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.
- (2) The date this assistance was provided.
- (3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.
- (4) That the person has no knowledge or reason to believe that the individual submitting the application:

~~(A) is ineligible to vote or to cast an absentee ballot; or~~

~~(B) did not properly complete and sign the application.~~

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the

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individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall file the application with the appropriate county election board not later than:

- (1) noon seven (7) days after the person receives the application;
- or
- (2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first.

(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person filing an absentee ballot application, other than the person's own absentee ballot application, must sign an affidavit at the time of filing the application. The affidavit must be in a form prescribed by the commission. The form must include the following:

- (1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.
- (2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.
- (3) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:
 - (A) is ineligible to vote or to cast an absentee ballot; or
 - (B) did not properly complete and sign the application.
- (4) A statement that the person is executing the affidavit under the penalties of perjury.
- (5) A statement setting forth the penalties for perjury.

(i) The county election board shall record the date and time of the filing of the affidavit.

SECTION 5. IC 3-11-4-18, AS AMENDED BY P.L.164-2006, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 18. (a) ~~If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail;~~ The county election board shall, at the request of the voter, mail ~~the an~~ official ballot, postage fully prepaid, to the voter at the address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter

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1 registration office before voting by absentee ballot under this chapter,
 2 the board shall include a notice to the voter in the envelope mailed to
 3 the voter under section 20 of this chapter. The notice must inform the
 4 voter that the voter must file the additional documentation required
 5 under IC 3-7-33-4.5 with the county voter registration office not later
 6 than noon on election day for the absentee ballot to be counted as an
 7 absentee ballot, and that, if the documentation required under
 8 IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the
 9 ballot will be processed as a provisional ballot. The commission shall
 10 prescribe the form of this notice under IC 3-5-4-8.

11 (c) Except as provided in section 18.5 of this chapter, the ballot
 12 shall be mailed:

- 13 (1) on the day of the receipt of the voter's application; or
- 14 (2) not more than five (5) days after the date of delivery of the
- 15 ballots under section 15 of this chapter;

16 whichever is later.

17 (d) In addition to the ballot mailed under subsection (c), the county
 18 election board shall mail a special absentee ballot for overseas voters.

19 (e) Except as provided in section 18.5 of this chapter, the ballot
 20 described in subsection (d):

21 (1) must be mailed:

- 22 (A) on the day of the receipt of the voter's application; or
- 23 (B) not more than five (5) days after the latest date for delivery
- 24 of the ballots under section 13(b) of this chapter applicable to
- 25 that election;

26 whichever is later; and

- 27 (2) may not be mailed after the absentee ballots described by
- 28 section 13(a) of this chapter have been delivered to the circuit
- 29 court clerk or the clerk's authorized deputy.

30 (f) As required by 42 U.S.C. 15481, an election board shall establish
 31 a voter education program (specific to a paper ballot or optical scan
 32 ballot card provided as an absentee ballot under this chapter) to notify
 33 a voter of the effect of casting multiple votes for a single office.

34 (g) As provided by 42 U.S.C. 15481, when an absentee ballot is
 35 mailed under this section, the mailing must include:

- 36 (1) information concerning the effect of casting multiple votes for
- 37 an office; and
- 38 (2) instructions on how to correct the ballot before the ballot is
- 39 cast and counted, including the issuance of replacement ballots.

40 SECTION 6. IC 3-11-8-25.2, AS AMENDED BY P.L.164-2006,
 41 SECTION 101, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JANUARY 1, 2011]: Sec. 25.2. (a) The poll clerk or

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assistant poll clerk shall examine the list provided under IC 3-7-29-1 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, in addition to the proof of identification required by section 25.1(a) of this chapter, a piece of identification described in subsection (b) to the poll clerk.

(b) As required by 42 U.S.C. 15483, and in addition to the proof of identification required by section 25.1(a) of this chapter, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

(1) A current and valid photo identification.

(2) A current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

(c) If a voter presents a document under subsection (b), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(d) If a voter required to present documentation under subsection (b) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

(e) The precinct election board shall advise the voter, **both orally and in writing**, that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7. **The commission shall prescribe the form of the explanation required by this subsection.**

(f) The circuit court clerk shall provide the notice required by IC 3-11.7-6-4 to a voter who casts a provisional ballot under this section.

SECTION 7. IC 3-11-10-24, AS AMENDED BY P.L.120-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 24. (a) Except as provided in subsection (b), a voter ~~who satisfies any of the following~~ is entitled to vote by mail.

~~(1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve~~

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(12) hours that the polls are open.

(2) The voter will be absent from the precinct of the voter's residence on election day because of service as:

(A) a precinct election officer under IC 3-6-6;

(B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;

(C) a challenger or pollbook holder under IC 3-6-7; or

(D) a person employed by an election board to administer the election for which the absentee ballot is requested.

(3) The voter will be confined on election day to the voter's residence; to a health care facility; or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.

(4) The voter is a voter with disabilities.

(5) The voter is an elderly voter.

(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.

(7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.

(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.

(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).

(11) The voter is a member of the military or public safety officer.

(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose.

The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

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- 1 (A) deposit the sealed envelope in the United States mail; or
 2 (B) deliver the sealed envelope in person to the county
 3 election board.

4 (d) If a member of the voter's household or the voter's attorney in
 5 fact delivers the sealed envelope containing a voter's absentee ballot to
 6 the county election board, the individual delivering the ballot shall
 7 complete an affidavit in a form prescribed by the commission. The
 8 affidavit must contain the following information:

9 (1) The name and residence address of the voter whose absentee
 10 ballot is being delivered.

11 (2) A statement of the full name, residence and mailing address,
 12 and daytime and evening telephone numbers (if any) of the
 13 individual delivering the absentee ballot.

14 (3) A statement indicating whether the individual delivering the
 15 absentee ballot is a member of the voter's household or is the
 16 attorney in fact for the voter. If the individual is the attorney in
 17 fact for the voter, the individual must attach a copy of the power
 18 of attorney for the voter, unless a copy of this document has
 19 already been filed with the county election board.

20 (4) The date and location at which the absentee ballot was
 21 delivered by the voter to the individual delivering the ballot to the
 22 county election board.

23 (5) A statement that the individual delivering the absentee ballot
 24 has complied with Indiana laws governing absentee ballots.

25 (6) A statement that the individual delivering the absentee ballot
 26 is executing the affidavit under the penalties of perjury.

27 (7) A statement setting forth the penalties for perjury.

28 (e) The county election board shall record the date and time that the
 29 affidavit under subsection (d) was filed with the board.

30 (f) After a voter has mailed or delivered an absentee ballot to the
 31 office of the circuit court clerk, the voter may not recast a ballot, except
 32 as provided in:

33 (1) section 1.5 of this chapter; or

34 (2) section 33 of this chapter.

35 SECTION 8. IC 3-11-10-26, AS AMENDED BY P.L.164-2006,
 36 SECTION 109, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JANUARY 1, 2011]: Sec. 26. (a) As an alternative to
 38 voting by mail, a voter is entitled to cast an absentee ballot before an
 39 absentee voter board:

40 (1) in the office of the circuit court clerk (or board of elections
 41 and registration in a county subject to IC 3-6-5.2); or

42 (2) at a satellite office established under section 26.3 of this

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chapter.

(b) The voter must:

(1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and

(2) provide proof of identification;

before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(c) The voter may vote before the board not more than twenty-nine (29) days nor later than noon on the day before election day.

(d) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than twenty-nine (29) days before the election and not later than noon on election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(e) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

(f) Notwithstanding subsection (e), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(g) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(h) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

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(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(i) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

(j) This subsection applies to a voter who casts an absentee ballot that is treated as a provisional ballot under subsection (i). The board shall provide the voter, both orally and in writing, an explanation of what actions, if any, the voter must take in order to have the voter's ballot counted. The commission shall prescribe the form of the explanation required by this subsection. The circuit court clerk shall also provide the notice required by IC 3-11.7-6-4 to the voter.

SECTION 9. IC 3-11-10-26.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 26.3. (a) A county election board may adopt a resolution to authorize the circuit court clerk to establish satellite offices in the county where voters may cast absentee ballots before an absentee voter board.

~~(b) To be adopted under this section, a resolution must be adopted by the unanimous vote of the board's entire membership.~~

~~(c)~~ **(b)** A resolution adopted under this section must do the following:

(1) State the locations of the satellite offices.

(2) State the hours at which absentee voting may occur at the satellite offices.

~~(d)~~ **(c)** The resolution may contain other provisions the board considers useful.

~~(e)~~ **(d)** If a resolution is adopted under this section, the procedure for casting an absentee ballot at a satellite office must, except as provided in this section, be substantially the same as the procedure for casting an absentee ballot in the office of the circuit court clerk.

SECTION 10. IC 3-11-18-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 1.5. A county designated as a vote center pilot county shall establish at least one (1) satellite**

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1 **office under IC 3-11-10-26.3.**

2 SECTION 11. IC 3-11-18-11, AS ADDED BY P.L.164-2006,
3 SECTION 119, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JANUARY 1, 2011]: Sec. 11. **(a)** Except as otherwise
5 provided by this chapter, the county shall administer an election
6 conducted at a vote center in accordance with federal law, this title, and
7 the plan submitted with the application under section 4 of this chapter.

8 **(b) In accordance with Indiana and federal law, each vote center**
9 **county shall adopt a plan that provides for voters to vote using the**
10 **following provisions:**

11 (1) Voting after a change of residence within the same
12 precinct as provided in IC 3-7-39-7.

13 (2) Voting after a change of name as provided in IC 3-7-41-3.

14 (3) Certificates of error issued under IC 3-7-48.

15 (4) Voting after affirming residency as provided in
16 IC 3-7-48-5.

17 (5) Voting with a registration receipt as provided in
18 IC 3-7-48-7.

19 (6) Voting after signing an affidavit as provided in IC 3-10-10.

20 (7) Voting with a transfer affidavit as provided in IC 3-10-11
21 or IC 3-10-12.

22 SECTION 12. IC 3-11-18-16, AS ADDED BY P.L.164-2006,
23 SECTION 119, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JANUARY 1, 2011]: Sec. 16. The precinct election
25 board administering an election at a vote center shall keep the ballots
26 cast in each precinct separate from the ballots cast in any other precinct
27 whose election is administered at the vote center, so that the votes cast
28 for each candidate and on each public question in each of the precincts
29 administered by the board may be determined. **The county election**
30 **board shall provide preliminary election results, broken down by**
31 **precinct, not later than noon the day after election day.**

32 SECTION 13. IC 3-11-18-20, AS AMENDED BY P.L.108-2008,
33 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2010]: Sec. 20. This chapter expires December 31, ~~2010~~.
35 **2013.**

36 SECTION 14. IC 3-11.7-2-2 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) A
38 provisional voter shall do the following:

39 (1) Mark the ballot in the presence of no other person, unless the
40 voter requests help in marking a ballot under IC 3-11-9.

41 (2) Fold each ballot separately.

42 (3) Fold each ballot so as to conceal the marking.

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(4) Enclose each ballot, with the seal and signature of the circuit court clerk on the outside, together with any unused ballot, in the envelope provided by the county election board under IC 3-11.7-1-8.

(5) Securely seal the envelope.

(b) A provisional voter may mark a ballot with a pen or a lead pencil.

(c) This subsection applies to a provisional voter described in section 1(a)(1), 1(a)(2), or 1(a)(3) of this chapter. As provided by 42 U.S.C. 15482, a precinct election officer shall give the provisional voter a copy of the written instructions prescribed by the county election board under IC 3-11.7-6-3 after the voter returns the envelope containing the provisional voter's ballots.

(d) This subsection applies to a provisional voter described in section 1(a) or 1(b) of this chapter. In addition to the written instructions required by subsection (c), a precinct election officer shall provide the provisional voter, both orally and in writing, an explanation of what actions, if any, the provisional voter must take in order to have the provisional voter's ballot counted. The commission shall prescribe the form of the explanation required by this subsection. The circuit court clerk shall also provide the notice required by IC 3-11.7-6-4 to the provisional voter.

SECTION 15. IC 3-11.7-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. (a) As required by 42 U.S.C. 15482, a county election board shall establish a free access system such as a toll-free telephone number or an Internet web site that enables a provisional voter to determine:

- (1) whether the individual's provisional ballot was counted; and
- (2) if the provisional ballot was not counted, the reason the provisional ballot was not counted.

(b) As required by 42 U.S.C. 15482, the county election board shall establish and maintain reasonable procedures to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used on the free access system established by the board under subsection (a).

(c) As required by 42 U.S.C. 15482, the county election board shall restrict access to the ~~information available~~ **free access system established** under subsection (a) ~~about a provisional voter's ballot~~ to the individual voter who cast the **provisional** ballot. **This subsection does not restrict access to election materials available under IC 3-10-1-31.1.**

(d) The county election board shall prescribe written instructions to

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1 inform a provisional voter how the provisional voter can determine
2 whether the provisional voter's ballot has been counted.

3 **(e) Notwithstanding subsections (b) and (c), the county election**
4 **board shall provide to the following, upon request, a list of the**
5 **name and address of all voters who have cast a provisional ballot**
6 **in an election held in the county:**

7 **(1) A candidate whose name was on the ballot in the county at**
8 **the election.**

9 **(2) The county chairman of a political party of the county in**
10 **which the election was held.**

11 **The county election board shall provide a list requested under this**
12 **subsection not later than seventy-two (72) hours after the time the**
13 **list is requested.**

14 SECTION 16.IC 3-11.7-6-4 IS ADDED TO THE INDIANA CODE
15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
16 JANUARY 1, 2011]: **Sec. 4. (a) This section applies to a county that**
17 **conducts an election in which a voter casts a provisional ballot.**

18 **(b) Not later than three (3) calendar days after election day, the**
19 **circuit court clerk shall provide a notice containing the following**
20 **information to each voter who casts a provisional ballot:**

21 **(1) The reason or reasons that the voter's ballot is being**
22 **treated as a provisional ballot.**

23 **(2) A description of what actions, if any, the provisional voter**
24 **must take in order to have the provisional voter's ballot**
25 **counted under this article.**

26 **(3) The deadlines by which the provisional voter is required**
27 **to take any actions described in subdivision (2) in order to**
28 **have the provisional voter's ballot counted under this article.**

29 **(4) The following information that will enable the provisional**
30 **voter to inquire about the provisional voter's ballot:**

31 **(A) The name of the office that the provisional voter may**
32 **contact.**

33 **(B) The address of the office described in clause (A).**

34 **(C) The telephone number at the office described in clause**
35 **(A) that the voter may use to contact the office about the**
36 **voter's provisional ballot.**

37 **(D) Any other information the circuit court clerk considers**
38 **useful to provide assistance to the provisional voter in**
39 **inquiring about the provisional ballot.**

40 **(c) The notice required by subsection (b) must be:**

41 **(1) sent by first class United States mail; or**

42 **(2) given by another method the circuit court clerk determines**

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will provide actual notice to the voter.

(d) The notice required by subsection (b) must be in a form prescribed by the commission.

SECTION 17. IC 3-11.7-6-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 5. (a) Not later than thirty (30) days after an election, the circuit court clerk shall compile a report that includes the following information:**

(1) The number of provisional ballots cast at the election in the county.

(2) The following information relating to the provisional ballots cast:

(A) A list of the reasons that provisional ballots were cast.

(B) For each reason listed, the number of provisional ballots cast for that reason.

(3) The number of provisional ballots counted for that election.

(4) The following information relating to the provisional ballots that were not counted:

(A) A list of reasons that provisional ballots were not counted.

(B) For each reason listed, the number of provisional ballots not counted for that reason.

(b) The circuit court clerk shall:

(1) make the report available for public inspection and copying under IC 5-14-3; and

(2) send a copy of the report to the secretary of state.

(c) The secretary of state shall compile the reports sent by the circuit court clerks under subsection (b). Not later than December 31 of each year, the secretary of state shall issue a statewide compilation of all the reports sent to the secretary of state under subsection (b). The statewide compilation must include the following information:

(1) All the information contained in the county reports, by county.

(2) Statewide totals for each item of information required to be contained in the county reports under subsection (a).

(d) The secretary of state shall make the statewide compilation available for public inspection and copying under IC 5-14-3.

(e) The secretary of state shall develop uniform descriptions of the following information required to be compiled under subsection (a):

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1 **(1) The reasons that a provisional ballot is cast.**

2 **(2) The reasons that a provisional ballot is not counted.**

3 SECTION 18. IC 3-14-4-3 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. **(a) Except as**
5 **provided in subsection (b),** a precinct election officer or public
6 official upon whom a duty is imposed by this title who knowingly omits
7 to perform the duty commits a Class D felony.

8 **(b) A person who has a duty to give a voter notice under:**

9 **(1) IC 3-11-8-25.2(f);**

10 **(2) IC 3-11-10-26(j);**

11 **(3) IC 3-11.7-2-2(d); or**

12 **(4) IC 3-11.7-6-4;**

13 **who knowingly or intentionally fails to provide the notice required**
14 **by that statute commits a Class C infraction.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1106, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BATTLES, Chair

Committee Vote: yeas 7, nays 5.

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